

EXECUTIVE COUNCIL OF IOWA

AGENDA

MARCH 26, 2012

1. Introduction of Attendees
2. Approval of minutes of meeting held March 19, 2012
3. Outside Counsel – Page 1
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4. Leases – Page 1
5. Payment of Cost Items – Pages 1 - 3
6. Renewal Memberships – Pages 3 - 4
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7. Information Items – Page 4
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3. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Angel Tew v. Department of Revenue, State of Iowa and the Second Injury Fund, a worker's compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue, Suite 729
Des Moines, IA 50309-2390
Rate: \$80.00 per hour
TAB # 1

4. Leases

- A. Lease between DNR and Matteson Marine Services Inc.
Date of Lease: Five years ending April 2017
Legal Description: The area is 175 feet in depth with 1600 feet of frontage at Mississippi River Mile 430.3 in Louisa County Iowa, Section 9 and 16, Township 73 North, Range 1 West of the 5th P.M. near the town of Wapello, Iowa. The barges will be anchored with four ten thousand pound anchors. The anchors will not be permanently affixed and will be located approximately 35 feet riverward from the riverbank. Purpose: Facilitating barge loading and unloading of barges
Annual Fee: \$10,180.00

David Dorff, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

5. Payment of Cost Items

- A. Patterson Law Firm L.L.P..... \$184.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Maureen Kimmerle v. State of Iowa and Second Injury Fund
- B. Patterson Law Firm L.L.P..... \$432.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Lisa Shelford v. Iowa State Penitentiary, the State of Iowa and the Second Injury Fund

- C. Patterson Law Firm L.L.P..... \$424.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund
- D. Patterson Law Firm L.L.P..... \$1,117.10
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Dirk Marple v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury Fund.

Julie Pottorff, Deputy Attorney General, has reviewed these invoices and recommends payments.

- E. Nyemaster, Goode, West Hansell & O'Brien, P.C.....\$10,641.13
700 Walnut, Suite 1600
Des Moines, IA 50309
Homan, Dotzler, Hunter, Jacoby, Running-Marquardt, and Beall v. Terry E. Branstad

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

- F. Dow, Lohnes PLLC.....\$1,617.60
1200 New Hampshire Ave NW Suite 800
Washington, DC 20036
Iowa Public Television

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of Iowa Public Television.

- G. Dorsey & Whitney, LLP\$147.50
P.O. Box 1680
Minneapolis MN 55480-1680
Honey Creek Premier Destination State Park

Julie Pottorff, Deputy Attorney General, has reviewed invoice and recommends payment. Payment will be made from the DNR funds.

- H. Shuttleworth and Ingersoll, P.L.C..... \$9,124.41
115 3rd Street South East
Suite 500
Cedar Rapids, IA 52401
Mills v. Iowa Board of Regents et al., an employment termination case

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made both from the General Fund (\$80.00 per hour) and by the Board of Regents (\$95.00 per hour plus expenses).

- I. Fredrikson & Byron, P.A.\$4,012.26
1200 Valley West Drive Suite 304-4
West Des Moines, IA 50266

Julie Pottorff, Deputy Attorney General, has reviewed invoice and recommends payment. Payment will be made from the State Sinking Fund.

- J. Department of Natural Resources \$114,862.13
Drainage taxes for the following counties:

Emmet	\$ 18.00
Hancock	\$ 34.00
Kossuth	\$108,677.40
Monona	\$ 91.00
Palo Alto	\$ 5,406.28
Pottawattamie	\$ 6.00
Sac	\$ 480.00
Worth	\$ 114.00
Wright	\$ 35.45

David Dorff, Assistant Attorney General, has reviewed this request and recommends payment.

6. **Renewal Memberships**

- A. Agriculture in North American Agricultural Marketing Officials (NAAMO) in the amount of \$300.00 for July 1, 2011 - June 30, 2012. (Previous amount was \$300.00.) Other agencies: No: Funding Source: State General Fund
- B. Human Rights in National Disability Rights Network in the amount of \$501.39 for October 1, 2011 - September 30, 2012. (Previous amount was \$500.30.) Other agencies: No: Funding Source: Federal Grant

- C. Iowa Finance Authority in Government Finance Officers Association in the amount of \$160.00 for April 1, 2012 - March 31, 2013. (Previous amount was \$160.00.) Other agencies: No: Funding Source: Other Funds: Self Funded
- D. IPERS in Association of Public Pension Fund Auditors (APPFA) in the amount of \$300.00 for January 1 - December 31, 2012. (Previous amount was \$300.00.) Other agencies: No: Funding Source: Other Funds: IPERS Trust Fund
- E. IPERS in National Association of State Retirement Administrators in the amount of \$2,900.00 for January 1 - December 31, 2012. (Previous amount was \$2,900.00.) Other agencies: No: Funding Source: Other Funds: IPERS Appropriation Fund
TAB # 2
- F. Public Defense in Adjutants General Association of the United States (AGAUS) in the amount of \$250.00 for July 1, 2012 - June 30, 2013. (Previous amount was \$250.00.) Other agencies: No: Funding Source: State General Funds

7. Information Items

- A. Information as requested by the Executive Council March 19, 2012 regarding costs during calendar year 2011 associated with the EB5 issues and legal services to State Agencies on issues related to the visa status of prospective state employees.
TAB # 3

EXECUTIVE COUNCIL

THOMAS L. MILLER
ATTORNEY GENERAL

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL



TAB # 1

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319
Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

Iowa Department of Justice

March 20, 2012

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Angel Tew v. Department of Revenue, State of Iowa and the Second Injury Fund*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa, 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$80.00 per. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink that reads "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General

cc: Julie Burger

Executive Council of Iowa
Capitol Building
Des Moines, Iowa 50319
Phone: 515 281-5368
FAX: 515 281-7562

TAB # 2

REQUEST FOR MEMBERSHIP APPROVAL

DEPARTMENT REQUESTING MEMBERSHIP: IPERS

NAME OF ORGANIZATION: National Association of State Retirement Administrators

NEW MEMBERSHIP ☐ RENEWAL ☒ MEMBERSHIP PERIOD: 01/01/12 thru 12/31/12
(Beginning and ending dates)

MEMBERSHIP FEE OR DUES AMOUNT \$2,900.00

Funding Other Funds ☐ 100 % IPERS Appropriation Fund

If Renewal, previous year amount. \$ 2,900.00

DO OTHER DEPARTMENTS BELONG TO THIS ORGANIZATION? Yes No ☒ Unknown

If yes, please list:

Please describe why your department should have an additional membership N/A

WILL THIS MEMBERSHIP REQUIRE AND PAY FOR OUT-OF-STATE TRAVEL? ☒ Yes No

If yes, list the anticipated number of trips per year and their purpose: Annual conference provides pertinent education, updates on federal and regulatory action, and networking opportunities with peer systems.

DESCRIBE WHY THIS MEMBERSHIP IS IMPORTANT TO THE WORK OF YOUR DEPARTMENT:

NASRA membership consists of directors of retirement systems of state entities and large state-wide entities. NASRA's professional staff engages in research, education, and advocacy of best practices for retirement systems and retirement security for system participants.

DESCRIBE HOW MEMBERSHIP IN THIS ORGANIZATION WILL BENEFIT THE TAXPAYERS OF THE STATE OF IOWA.

Provides access to data covering the universe of the largest public retirement systems in the United States. Access to research and education on fiduciary standards, best governance standards, plans design issues, and best practices in member services.

DESCRIBE THE FREQUENCY AND TYPE OF CONTACTS YOU EXPECT YOUR DEPARTMENT TO HAVE WITH THIS ORGANIZATION: Occasional mail and phone contacts.

Requested by: Donna Mueller
(Department Head Signature)

Date: 1-31-2012

Phone: 281-0070

E-mail: donna.mueller@ipers.org

DOM: ☒ Approval ☐ Disapproval

Signature David [Signature]

Date 3/27/12

RECEIVED

MAR 21 2012

IOWA DEPT. OF
MANAGEMENT

July 2009

ITE

Davis Brown Koehn Shors
Calender Year 2011

TAB # 3

Date	Total amount	Sunil Shah	Dharmeshkumar Patel	Zafer Banagnapalle	Service
4/25/2011	885.90	442.95	442.95		H-1B
5/23/2011	615.00	615.00			H-1B
5/23/2011	1,423.85		1,423.85		H-1B
5/31/2011	529.20	529.20			H-1B
6/20/2011	2,115.00			2,115.00	H-1B
8/1/2011	639.60	159.60		480.00	H-1B
8/22/2011	466.94	132.64		334.30	H-1B
10/17/2011	129.45			129.45	H-1B
TOTALS	6,804.94	1,879.39	1,866.80	3,058.75	

DED

DAVIS BROWN KOEN SHORS
LEGAL SERVICES ON EB5
CALENDAR YEAR 2011

INVOICE DATE	INVOICE AMOUNT	T. HAY-MCMAHON	KAREN MERRICK	TIM WHIPPLE	DEBI DURHAM	CRAIG BLOCK	EB5 Approved Prof. Serv.
5/23/2011	\$ 1,629.00	\$	145.00	\$	1,484.00		
6/6/2011	\$ 290.00					\$	290.00
8/1/2011	\$ 58.00		\$		58.00		
8/22/2011	\$ 1,421.00		\$		725.00		
9/12/2011	\$ 87.00					\$	696.00
10/10/2011	\$ 2,262.00		\$		1,247.00		87.00
11/14/2011	\$ 3,551.00		\$	493.00	\$ 551.00		1,015.00
12/12/2011	\$ 725.00		\$	290.00	\$	174.00	1,666.00
						\$	87.00
	\$ 10,023.00	\$	145.00	\$	4,529.00	\$ 551.00	3,841.00
				\$	783.00	\$ 174.00	